

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|----------------------|---|-----------------------|
| KARLO PERHAT, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. 4:20-cv-1273 |
| v. |) | |
| |) | |
| SAFECO INSURANCE |) | JURY TRIAL DEMANDED |
| COMPANY OF ILLINOIS, |) | |
| |) | |
| Defendant. |) | |

NOTICE OF REMOVAL

To: The Honorable Judges of the United States District Court for the Eastern District of Missouri

Circuit Court of the 21st Judicial Circuit, State of Missouri

Stephen Robert Slough
The Law Office of Steve Slough
1424 Washington Ave, Suite 300
St. Louis, MO 63103
ATTORNEY FOR PLAINTIFF

Pursuant to 28 U.S.C. §§ 1441 and 1446, Safeco Insurance Company of Illinois removes this action from the Circuit Court of the 21st Judicial Circuit, State of Missouri, to the United States District Court for the Eastern District of Missouri, Eastern Division. As grounds for this removal, defendant states:

1. On July 28, 2020, an action was commenced against defendant Safeco Insurance Company of Illinois in the in the Circuit Court of the 21st Judicial Circuit entitled *Karlo Perhat v. Safeco Insurance Company of Illinois*, Cause Number 20SL-CC03792. Copies of the Plaintiff's original Petition setting forth the claim for relief is attached as part of the Circuit Court file, Exhibit "A".

2. This is an action in which the United States District Court for the Eastern District of Missouri has original jurisdiction under the provisions of 28 U.S.C. § 1332 in that the

controversy in said action is wholly between citizens of different states and that the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

3. The controversy in this lawsuit is wholly between citizens of different states:

- (a) Plaintiff at the time this action commenced, and ever since, was and is a resident and citizen of the State of Missouri.
- (b) Defendant Safeco Insurance Company of Illinois, at the time this action commenced and ever since, was and is a corporation organized and existing under the laws of the State of Illinois, with its principal place of business in Warrenville, Illinois, and is, therefore, a citizen of the State of Illinois.

4. The action is a civil case for breach of contract, claiming underinsured motorist benefits pursuant to a policy of insurance, arising out of an automobile accident that occurred on July 29, 2015.

5. The amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.00. Plaintiff, in his Petition, claims that he sustained injuries to his head, neck, back arms and legs, makes a large wage loss claim, and seeks payment under an insurance policy with a \$250,000.00 per person limit. Additionally, plaintiff seeks penalties for vexatious refusal and attorneys' fees in this matter. *See Crawford v. F. Hoffman-La Roche, Ltd.*, 267 F.3d 760, 766 (8th Cir. 2001)(attorney fees are element of damages that count toward the jurisdictional minimum for diversity jurisdiction).

6. This Notice of Removal has been filed within thirty days of defendant's receipt of the Summons and Plaintiff's Petition setting forth the claim for relief upon which this action is based; therefore, this Notice of Removal has been timely filed under 28 U.S.C. §§ 1441 and 1446. See Notice of Service of Process contained in Exhibit "A".

7. The United States District Court for the Eastern District of Missouri, Eastern Division, is the appropriate court for filing a Notice of Removal from the Circuit Court of the 21st Judicial Circuit, State of Missouri, where the action was filed.

8. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 2.03, copies of all process, pleadings, orders and other documents served upon defendant in this action on file pertaining to this matter in the Circuit Court of the 21st Judicial Circuit are attached hereto and marked as “Exhibit A”.

9. Pursuant to 28 U.S.C. § 1446(d), defendant has served a copy of the Notice of Removal upon all adverse parties.

10. Pursuant to 28 U.S.C. § 1446(a), defendant hereby demands a trial by jury.

11. Because complete diversity of citizenship exists between Plaintiff and Safeco Insurance Company of Illinois, and because the amount in controversy in this action exceeds the sum of \$75,000.00 removal to this Court is proper under 28 U.S.C. §§ 1332, 1441 and 1446.

WHEREFORE, defendant Safeco Insurance Company of Illinois prays that the above action pending in the Circuit Court of the 21st Judicial Circuit, State of Missouri, be removed therefrom to this Court.

LAW OFFICES OF ROUSE AND CARY

BY: /s/ Kevin E. Myers
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CERTIFICATE OF SERVICE

Signature above is also certification that a true and correct copy of the foregoing document has been mailed, first class, postage prepaid, this 16th day of September, 2020 to: Stephen Robert Slough, The Law Office of Steve Slough, 1424 Washington Ave, Suite 300, St. Louis, MO 63103, steve@sloughlawoffice.com.